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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,341	07/30/2003	Bruce A. Dillman	263 P 026	9302
26952	7590	01/23/2006	EXAMINER	
ROGER H. STEIN Wallenstein Wagner & Rockey, Ltd. 311 S. WACKER DRIVE 53RD FLOOR CHICAGO, IL 60606-6630			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,341

Applicant(s)

DILLMAN, BRUCE A.

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,12-18 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 is/are allowed.
- 6) ☒ Claim(s) 1,4-9,12-18 and 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, the phrase "that optionally" renders the claim(s) indefinite because through broadest reasonable interpretation, the term "optionally" can be interpreted as the counterbalancing mechanism not necessarily being capable of changing the center of mass of the vehicle.

Claim Rejections - 35 USC § 103

4. Claims 1, 9, 12, 14, 15, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Thibodeau.

Poulsen discloses a method for subduing a fire comprising the steps of moving a vehicle supporting a jet engine to a location in front of the fire, operating a jet turbine to draw surrounding ambient air to form an exhaust, directing the exhaust in a desired direction to fight the fire, and forcing fire retardant under pressure into the exhaust of the turbine from a separate retardant supply tank 19. Thibodeau teaches a vehicle comprising an adjustable counterbalancing mechanism 16 separate and independent from the turbine and secured to the vehicle in which the mechanism 16 is configured to change the center of mass of the vehicle when necessary to allow greater traction for

Art Unit: 3752

the vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have attached the jet engine of Poulsen to a vehicle having the ability to change the center of mass of the vehicle as taught by Thibodeau to provide greater traction for the vehicle to counter the exhaust of the jet engine. Since the turbine of Poulsen is pivotally mounted on a horizontal axis in order to aim the turbine, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the exhaust can be directed directly at or in front of the front wall of the flames and not above the fire if so desired by an operator. Poulsen also discloses using a liquid fire retardant however, one having ordinary skill in the art would recognize that inert particulate can be used in place of the liquid and that various fire fighting particulates are known to be environment friendly such as sandstone and limestone powders for example. The vehicle and jet engine will be counterbalanced the combination of the vehicle brakes and by mounting the jet engine to a base plate 52 via the bolts 55 in which the engine is adjustably mounted and can be mounted to the bed of a truck. Regarding the plurality of the fuel tanks and pumps as recited in claim 25, it has been that mere duplication of the essential working parts of a device involves only routine skill in the art.

5. Claims 4-6, 13, 16, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Thibodeau as applied to claim 1 above, and further in view of Cottrell et al.

Cottrell et al. teach solid fire extinguishing compositions comprising sand or limestone dust which are effective in extinguishing fires. It would have been obvious to one

Art Unit: 3752

having ordinary skill in the art at the time the invention was made to have used sand or limestone dust as a fire retardant in the device of Poulsen and Thibodeau as taught by Cottrell et al. to effectively fight various fires.

6. Claims 7, 8, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view Thibodeau as applied to claim 1 above and further in view of McBride.

McBride teaches a fire fighting method in which either or both water and a second retardant are used to douse the fire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used either or both water and a second retardant to douse the fire as taught by McBride for effectively subduing the fire.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view of Thibodeau.

Since the supply of retardant is pressurized, it would have been obvious to one having ordinary skill in the art to use a compressor to pressurize the retardant to force the retardant through the conduit.

8. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulsen in view Thibodeau as applied to claim 27 above and further in view of Relyea et al.

Relyea et al. teach a fire fighting vehicle comprising a moveable crane boom affixed to a vehicle and a rotatable nozzle 24 attached to the crane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed

Art Unit: 3752

the nozzle of Poulsen on a crane boom as taught by Relyea et al. to raise the nozzle to required heights to fight fires and placing the crane on the vehicle of Thibodeau.

Allowable Subject Matter

9. Claims 32-34 are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Biller et al. is pertinent to Applicant's invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Davis Hwu

**DAVIS HWU
PRIMARY EXAMINER**